

GOVERNMENT OF TELANGANA
ABSTRACT

School Education Department – Sanction of Budget of Rs.26,50,710/- (Rupees Twenty Six Lakhs Fifty Thousand Seven Hundred and Ten Rupees only) for the purpose of payment of additional market value, decretal charges, solatium, interest etc., in Execution Petition No.69/2015 in O.P.No.18 of 2004 filed by Sri Goverdhanlal Pitti -- Administrative Sanction – Orders - Issued

SCHOOL EDUCATION (Genl.) DEPARTMENT

G.O.Rt.No. 84

Dated: 24-05-2017.
Read the following:-

1. From the Director of School Education, Telangana, Hyderabad, Lr.Rc.No.02/Estt.3/2013,dt. 23.01.2017.
2. From the Director of School Education, Telangana, Hyderabad, Lr.Rc.No.02/Estt.3/2013,dt.06.02.2017.

O R D E R :-

The Director of School Education, Telangana, Hyderabad in the reference read above, has reported that Govt. of A.P. have published Gazette Notification HYD No.12, dt.26.04.1989 for acquiring land to the extent of 1422 Sq. Yds. of Premises No.13-1-1238, Razdarkhanpet, Seetarambagh, Golconda Mandal, Hyderabad District, for locating Government Boys High School, Seetharambagh, Ghoshacut, Hyderabad, in accordance with the provisions of Section 4(1) of the Land Acquisition Act 1 of 1894, by the Special Deputy Collector, Land Acquisition(General), Hyderabad district.

2. Aggrieved by the Notification, the land owner Sri Goverdhan Lal Pitti has filed WP No.6867/1989 before the Hon'ble High Court. While the matter stood thus, the Land Acquisition Officer passed Award vide Procs.No.C/560/89, dt.06.05.1992 fixing the market value of the land @ Rs.160/- per Sq. Yard after deducting 1/3rd area towards layout wastage etc. and paid Rs.2,60,968.68 Ps. (Rs.1,51,040.00 @ 160/- Per Sq. Yd. for 944 Sq. Yds. + Rs.54,616.68 Ps @ 12% Addl. Market Value w.e.f. 01.05.1989 to 05.05.1992 i.e., date of Passing Order + Rs.45,312.00 @ 30% Solatium on the Market Value + Rs.10,000.00 for Structure Value of the building) to the claimant and the same was received by the claimant under protest. The Hon'ble High Court in its orders dt.29.12.1998 in W.P.No.6867/1989 has set-a-side the Notification. Aggrieved by the Orders, Govt. i.e., Special Deputy Collector, Land Acquisition (General), Hyderabad has preferred W.A.No.652/1999 in the Hon'ble High Court. The Hon'ble High Court in its orders dt.22.07.1999 have dismissed the W.A.No.652/1999. Aggrieved by the Orders of the High Court, Govt. i.e., the Spl.Dy.Collector has filed Civil Appeal No.6969/1999 before the Hon'ble Supreme Court. The Hon'ble Supreme Court in its order dt.11.03.2003 in Civil Appeal No.6969/1999 has allowed the Appeal filed by the State of A.P. (Unified State) and set aside the orders dt.29.12.1998 in W.P.No.6867/1989 of the High Court.

3. The Land owner Sri Goverdhan Lal Pitti has filed LA OP No.18 of 2004 before the Hon'ble 1st Senior Civil Judge, City Civil Courts, Hyderabad. On 11.09.2009 the Hon'ble 1st Senior Civil Judge, City Civil Courts, Hyderabad, in LA OP No.18 of 2004 has partly allowed the petition and enhanced rate per Sq. Yd. to Rs.500/- instead of Rs.160/- as fixed by the Land Acquisition Officer i.e., difference of Rs.340/- and the claimant is entitled for additional market value @ 12% on the enhanced amount along with entitlement of solatium at 30% on the enhanced amount and also the claimant is entitled for interest at 9% p.a. on all the above enhanced amounts i.e., solatium and additional market value for a period of one year from 11.03.2003 and thereafter at 15% p.a. till date of realization of the amount and rest of the claim is dismissed.

4. Again the owner of the land filed Land Acquisition First Appeal No.78 /2010 before the Hon'ble High Court for enhancement against the orders dt.11.09.2009 in

O.P.No.18/2004 of the 1st Senior Civil Judge, City Civil Court, Hyderabad. Later, the Owner of the land filed Execution Petition No.24/2011 in O.P.No.18 of 2004. Govt. in G.O.Rt.No.305, Edn. (SE.Prog.I) Dept., dt.13.02.2013 have sanctioned Rs.9,64,345/- towards enhanced compensation of land acquisition (Rs.340/- X 944 Sq. Yds. + 12% Market Value + 30% Solatium on both + 9% interest p.a. from 11.03.2003 to 10.03.2004 + 15% interest p.a. from 11.03.2004 to 10.09.2010 i.e., date of filing of E.P. No.24/2011) and it was paid to the owner in June, 2013, by the Court.

5. The Hon'ble High Court in its Judgement, dt.21.03.2014 in L.A.A.S. No.78/2010 has partly allowed Land Acquisition Appeal Suit and ordered that the reasonable market value of the land can be fixed at Rs.700/- instead of Rs.500/- per Sq. Yd. and the appellant is entitled for the difference of amount with interest at 9% p.a. on solatium and additional market value for a period of one year from the date of Gazette notification and thereafter, at 15% p.a. till the date of realization of the amount.

6. The land owner filed Execution Petition No.69/2015 in O.P.No.18 of 2004 before the 1st Senior Civil Judge, City Civil Court, Hyderabad claiming Rs.25,96,564/- against the Special Deputy Collector, Land Acquisition Officer, Hyderabad. In March, 2016 an amount of Rs.1,71,872/- was paid to the petitioner towards interest as per the orders of the Lower Court at 15% p.a. from 01.09.2010 to 10.02.2013 i.e., till realization.

7. The Director of School Education, Telangana, Hyderabad, in the reference 1st read above has submitted the proposal for sanction of an amount of Rs.24,24,692/- (Rupees Twenty Four Lakhs, Twenty Four Thousand, Six Hundred and Ninety Two only) arrived as per the Judgment of the Hon'ble High Court in LASS. No.78/2010 including interest w.e.f. 01.05.1990 to 19.01.2015. In addition to the above, he has further submitted proposal for sanction of interest amount from 20.01.2015 to 30.01.2017 i.e., Rs.2,26,018/- (Rupees Two Lakhs, Twenty Six Thousand and Eighteen only) vide reference 2nd read above and thus the total comes to (Rs.24,24,692/- + 2,26,018/- = Rs.26,50,710/- (Rupees Twenty Six Lakhs, Fifty Thousand, Seven Hundred and Ten only).

8. After careful examination of the proposal, Government hereby accord administrative sanction to the Commissioner & Director of School Education, Telangana, Hyderabad, for an amount of Rs.26,50,710/- (Rupees Twenty Six Lakhs, Fifty Thousand, Seven Hundred and Ten only) with a request to deposit the same with the Special Deputy Collector, Land Acquisition (Gen.), Hyderabad, for the purpose of payment of additional market value, decretal charges, solatium, interest etc., in Execution Petition No.69/2015 in O.P.No.18 of 2004.

9. The amount sanctioned at para (8) above shall be debited to the Head of Account.No.4202-01-202-25-SH(74)-530/532 (to be opened) and initially shall be met as an advance from Contingency Fund, for which orders will be issued by Finance (BG) Department, separately.

10. The Commissioner & Director of School Education, Telangana, Hyderabad, shall draw the amount sanctioned above and take necessary action, accordingly.

11. This order issues with the concurrence of the Finance (EBS.IV) Department vide their U.O.No.5622/132/A1/EBS.IV/SE/2017, dated 16.05.2017.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

RANJEEV R. ACHARYA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner & Director of School Education, Telangana, Hyderabad.

The District Educational Officer, Hyderabad

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The Spl. Deputy Collector, Land Acquisition (General),
O/o the District Collector, Hyderabad
The Director of Treasuries and Accounts, Telangana, Hyderabad.
The Pay and Accounts Officer, Telangana, Hyderabad.
SF/SC.

// FORWARDED BY ORDER //

SECTION OFFICER